

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES,

Plaintiff

v.

WILLIAM MERLINO,

Defendant.

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: Criminal No. 19-cr-00717-GAM
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ORDER

AND NOW, this day of 2021, upon consideration of Defendant's Motion to Continue Trial, it is hereby ORDERED that said motion is granted and trial is scheduled to commence _____ 2022.

Gerald A. McHugh, U.S.D.J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES,

Plaintiff

v.

WILLIAM A. MERLINO,

Defendant.

Criminal No. 19-cr-00717-GAM

DEFENDANT’S MOTION TO CONTINUE TRIAL

Defendant William Merlino, by his undersigned counsel, moves the Court to continue the commencement of trial by not less than 120 days from its current date and in support thereof states:

1. Trial in this matter is presently scheduled to commence Monday, October 25, 2021.

2. Defendant William Merlino was recently diagnosed with a life-threatening medical condition. Documentation confirming the diagnosis was supplied to the Court and government counsel.

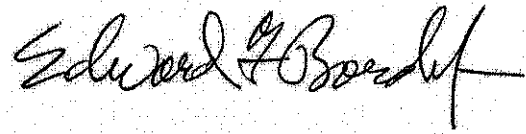
3. It is likely that, either because of the effects of treatment for his medical condition or because of the effects of the condition itself, defendant will be physically unable to attend a trial when presently scheduled.

4. 18 U.S.C. § 3161(h)(4) provides that “any period of delay resulting from the fact that the defendant is . . . physically unable to stand trial” shall be excluded from the time computed under the Speedy Trial Act.

5. The defendant has executed a speedy trial waiver which is attached hereto as Exhibit A.

WHEREFORE, defendant William Merlino prays that the Court continue trial to a date not earlier than February 28, 2022.

EARP COHN P.C.

A handwritten signature in black ink, appearing to read "Edward F. Borden, Jr.", with a stylized, cursive script.

Dated: August 12, 2021

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Counsel for Defendant

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

WILLIAM A. MERLINO

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CRIMINAL ACTION

No. 19-717

I, William Merlino (Defendant), have consulted with my counsel concerning my right under the Speedy Trial Act and my right to a speedy trial under the Sixth Amendment to the U.S. Constitution. I do not oppose a continuance of my trial, now scheduled for October 25, 2021, and agree that the ends of justice served by a continuance outweigh the best interest of the public and myself in a speedy trial. I understand that the time between now and the new trial date to be set by the Court will be excluded for purposes of computing the time within which my trial must commence under the Speedy Trial Act, and I also agree that this delay will not deprive me of my speedy trial rights under the Sixth Amendment. I understand that if I do not wish to sign this document, the Court will hold a hearing at which I will be present.

Edward J. Borden Jr.

Witness signature

William A. Merlino

Defendant

August 11, 2021

Date